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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 LAUSTEVEION JOHNSON,  
7 Plaintiff,

8 v.

9 GAROFALO, ET AL.,  
10 Defendants.

Case No. 2:16-cv-01889-GMN-DJA

11 **ORDER**

12 This matter is before the Court on *pro se* Plaintiff's Motion to Conduct Limited Discovery  
13 (ECF No. 189), filed on April 27, 2020. Defendants filed a Response (ECF No. 190) on May 11,  
14 2020. Any reply was due by May 18, 2020 and none has been filed to date. The Court finds this  
15 matter properly resolved without a hearing. See Local Rule 78-1.

16 Plaintiff is a *pro se* prisoner who seeks to conduct limited discovery on Defendant Brian  
17 Williams. He requests a period of 45 days to serve interrogatories and requests for production of  
18 documents in order to prepare for trial. (ECF No. 189). Defendants oppose the request arguing  
19 that not only has discovery closed, but also their Motion for Summary Judgment has been ruled  
20 on with all defendants and claims except for one being dismissed. (ECF No. 190). Further, the  
21 parties have submitted a joint pretrial order, which the Court entered on April 17, 2020. (ECF  
22 No. 188). The trial date of October 19, 2020 has been selected. (*Id.*)

23 Discovery in this matter closed almost a year ago, on June 5, 2019. ECF No. 102.  
24 Plaintiff fails to cite the excusable neglect standard nor does he provide any grounds for the Court  
25 to find that reopening discovery is warranted. "A request made after the expiration of the subject  
26 deadline will not be granted unless the movant also demonstrates that the failure to act was the  
27 result of excusable neglect." LR 26-3. In evaluating excusable neglect, the court considers the  
28 following equitable factors: (1) the reason for the delay, (2) whether the moving party acted in

1 good faith, (3) the length of the delay and its potential impact on the proceedings, and (4) the  
2 danger of prejudice to the non-moving party. *Bateman v. U.S. Postal Serv.*, 231 F.3d 1220, 1223-  
3 24 (9th Cir. 2000) (citing *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380, 395  
4 (1993)). It is within the court's discretion to determine whether excusable neglect exists. *Pincay*  
5 *v. Andrews*, 389 F.3d 853, 860 (9th Cir. 2004).

6 This case has already gone through discovery, dispositive motions, joint pretrial order, and  
7 is awaiting trial. Further, Plaintiff does not specify what discovery he is seeking from Williams.  
8 Finally, the Court does not find that Plaintiff was diligent in seeking discovery from Williams  
9 prior to the close of discovery.

10 IT IS THEREFORE ORDERED that Plaintiff's Motion to Conduct Limited Discovery  
11 (ECF No. 189) is **denied**.

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13 DATED: May 21, 2020.

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16 DANIEL J. ALBREGTS  
17 UNITED STATES MAGISTRATE JUDGE  
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